

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1035 of 2014

In

Civil Writ Jurisdiction Case No.13321 of 2012

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1. Bihar Public Service Commission through its Chairman, 15 Jawahar Lal Nehru Marg (Bailey Road) Patna - 800001
 2. Secretary, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg (Bailey Road) Patna - 800001
 3. Examination Controller, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg (Bailey Road) Patna - 800001
 4. Section Officer, Bihar Public Service Commission, 15 Jawahar Lal Nehru Marg (Bailey Road) Patna - 800001

... .. Appellants

Versus

1. Dr. Sambhu Nath Mahtha S/o Late Vishwanath Mahtha resident of Moh. Azamnagar, Ward No.6, P.S. LNMU, Town & Distt. - Darbhanga
2. State of Bihar through the Principal Secretary, Health (Medical Education, Family Welfare and Indigenous Medicine), Department, Govt. of Bihar, New Secretariat, Patna

... .. Respondents

Appearance :

For the Appellants	:	Mr. Ashok Kumar Singh, Senior Advocate Mr. Sanjay Pandey, Advocate Mr. Manish Kumar, Advocate Mr. Prem Ranjan Raj, Advocate Mr. Bimlendu Shekhar Thakur, Advocate
For the Respondent State:		Mr. Suman Kumar Jha, AC to AAG-3
For the Pvt. Respondent :		Mr. Shivendra Kishore, Senior Advocate Mr. Bimlendu Shekhar Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 09-03-2018

After having heard learned senior counsel for the appellant B.P.S.C. and learned senior counsel representing the private respondent, we are *prima facie* satisfied that because of clubbing of the cases and then being heard together, the case of the private respondent, namely, Dr. Shambhu Nath Mahtha, got wrongly



disposed off by the learned single Judge on a mistaken understanding that even his case was a case for non-award of marks under the head for publication.

Having perused the records, we are satisfied that the real core issue raised by the private respondent in his writ application, whether he was entitled to additional marks for having a post graduation degree in physiology along with pharmacology, was never dealt with by the learned single Judge.

In view of the same, the writ application, namely, C.W.J.C. No. 13321 of 2012 is required to be remanded back to the learned single Judge for fresh consideration and adjudication.

Appeal stands disposed off with the above direction keeping in view that no adjudication has been made by the learned single Judge on the claim of the private respondent, therefore, there is nothing to adjudicate in this appeal.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	N.A.F.R.
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